



## CITY COUNCIL AGENDA ITEM

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Date: January 8, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from ND Industries, Inc.  
Sidwell #88-20-28-303-024

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### Background

As part of the expansion and development of an industrial property located in the southwest ¼ of Section 28, the Engineering department has received a permanent easement for water main from ND Industries, Inc., owners of the property having Sidwell #88-20-28-303-024.

The format and content of this easement is consistent with easements previously accepted by City Council. The consideration amount on this document is \$1.00

### Recommendation

City Management recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.



Section 28, T2N,  
R11E, City of Troy,  
Oakland County, MI

LOCATION MAP



**PERMANENT EASEMENT**

Sidwell #88-20-28-303-024 (part of)  
Resolution #

ND INDUSTRIES, INC., a Michigan Corporation, Grantor(s), whose address is 1000 N. Crooks Rd., Clawson, MI 48017 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **water main**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed RIS signature(s) this 8th day of JANUARY A.D. 2013.

ND INDUSTRIES, INC.,  
a Michigan Corporation

By J. T. Gutowski (L.S.)  
\*Joseph T. Gutowski  
Its Director

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 8th day of JANUARY, 2013, by Joseph T. Gutowski, Director of ND INDUSTRIES, INC., a Michigan Corporation, on behalf of the corporation.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting in the County of OAKLAND

Janet M. Parsons  
Notary Public, OAKLAND County, Michigan  
My Commission Expires 10-14-2016  
Acting in OAKLAND County, Michigan

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

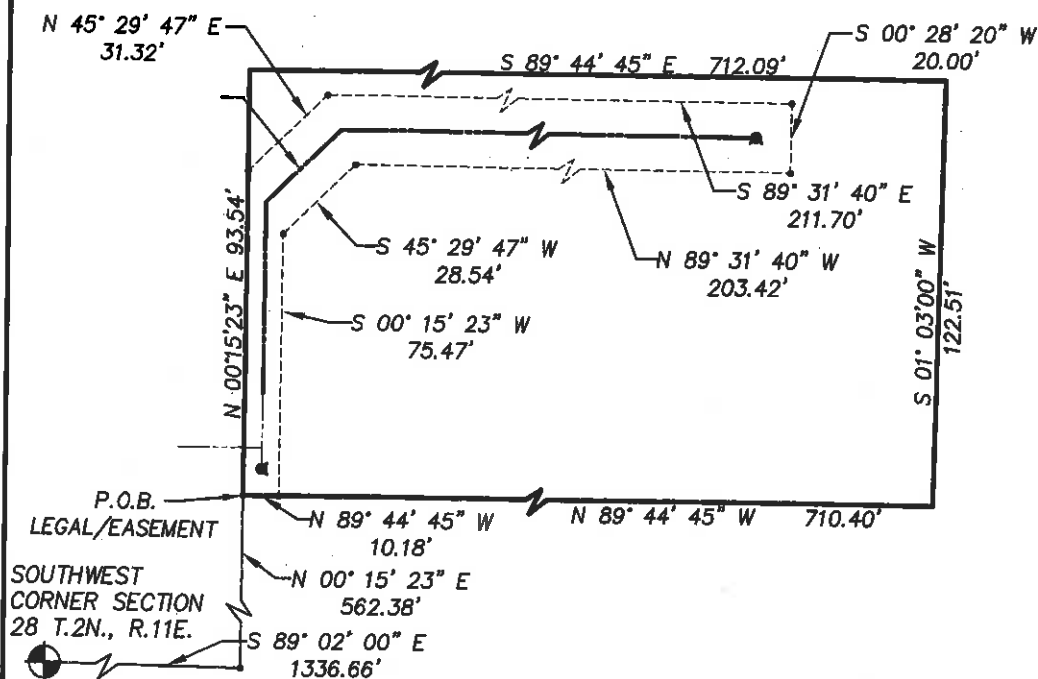
## EXHIBIT "A"

### TDJ CONSULTING INC.

Consulting Engineers  
Civil — Survey  
1299 Lamplighter Lane  
Rochester Hills, Michigan 48306  
Telephone (248) 765-0897  
DRAFTER: JASON SUTTON, P.E.



SCALE: 1" = 40'



### LEGAL DESCRIPTION:

ALL THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS; BEGINNING AT A POINT DISTANT, S 89°02'00" E, 1336.66 FEET AND N 00°15'23" E, 562.38 FEET FROM THE SOUTHWEST CORNER OF SECTION 28; THENCE N 00°15'23" E, 122.50 FEET; THENCE S 89°44'45" E, 712.09 FEET; THENCE S 01°03'00" W, 122.51 FEET; THENCE N 89°44'45" W, 710.40 TO THE POINT OF BEGINNING, CONTAINING 2.0 ACRES.

### WATERMAIN EASEMENT:

A VARIABLE WIDTH EASEMENT FOR WATERMAIN PURPOSES, WHOSE CENTERLINE IS DESCRIBED AS: PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS; BEGINNING AT A POINT DISTANT, S 89°02'00" E, 1336.66 FEET AND N 00°15'23" E, 562.38 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE FROM SAID POINT OF BEGINNING OF EASEMENT N 00°15'23" E, 93.54 FEET; THENCE N 45°29'47" E, 31.32 FEET; THENCE S 89°31'40" E, 211.70 FEET; THENCE S 00°28'20" W, 20.00 FEET; THENCE N 89°31'40" W, 203.42; THENCE S 45°29'47" W, 28.54; THENCE S 00°15'23" W, 75.47 FEET; THENCE N 89°44'45" W, 10.18 FEET TO THE POINT OF ENDING FOR SAID EASEMENT.